

# HOUSE BILL No. 1361

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-12-19-1; IC 20-12-19-3.

**Synopsis:** Children of veterans' educational benefits. Provides that the Indiana department of veterans' affairs may not make a determination that an applicant is not eligible for a tuition exemption based solely on the fact that the applicant is a dependent of a veteran who received a disability rating of zero percent from the United States Department of Veterans Affairs.

**Effective:** July 1, 2005 (retroactive).

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January 12, 2006, read first time and referred to Committee on Public Policy and Veterans Affairs.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1361

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A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-12-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]: Sec. 1.

(a) As used in this section, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

(b) This section applies to the following persons:

(1) A person who:

(A) is a pupil at the Soldiers' and Sailors' Children's Home;

(B) was admitted to the Soldiers' and Sailors' Children's Home because the person was related to a member of the armed forces of the United States;

(C) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and

(D) possesses the requisite academic qualifications.

(2) A person:

(A) whose mother or father:

(i) served in the armed forces of the United States;

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(ii) received the Purple Heart decoration or was wounded as a result of enemy action; and

(iii) received a discharge or separation from the armed forces other than a dishonorable discharge;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and

(C) who possesses the requisite academic qualifications.

(3) A person:

(A) whose mother or father:

(i) served in the armed forces of the United States during any war or performed duty equally hazardous that was recognized by the award of a service or campaign medal of the United States;

(ii) suffered a service connected death or disability as determined by the United States Department of Veterans Affairs; and

(iii) received any discharge or separation from the armed forces other than a dishonorable discharge;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend, as determined by the institution; and

(C) who possesses the requisite academic qualifications.

(c) ~~Beginning with the semester or term that begins in the fall of 2000;~~ A person described in subsection (b) is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institutions, without the payment of any tuition or mandatory fees for one hundred twenty-four (124) semester credit hours in the state educational institution. For purposes of this chapter, the commission for higher education of the state of Indiana (IC 20-12-0.5-2) shall define mandatory fees in consultation with the state student assistance commission (IC 20-12-21-4).

(d) If an applicant:

(1) is permitted to matriculate in the state educational institution;

(2) shall qualify under this chapter; and

(3) shall have earned or been awarded a cash scholarship which is paid or payable to such institution, from whatsoever source;

the amount paid shall be applied to the credit of such applicant in the payment of incidental expenses of the applicant's attendance at the institution, and any balance, if the terms of the scholarship permit, shall

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1 be returned to such applicant.

2 (e) **Subject to section 3 of this chapter**, determination of eligibility  
3 for higher education benefits authorized under this section is vested  
4 exclusively in the Indiana department of veterans' affairs. Any  
5 applicant for these benefits may make a written request for a  
6 determination of eligibility by the Indiana department of veterans'  
7 affairs. The director or deputy director of the department shall make a  
8 written determination of eligibility in response to each request. In  
9 determining the amount of an individual's benefit, the state student  
10 assistance commission shall consider other higher education financial  
11 assistance as provided in section 2 of this chapter.

12 (f) An appeal from an adverse determination shall be made in  
13 writing to the veterans' affairs commission not more than fifteen (15)  
14 working days following the applicant's receipt of the determination. A  
15 final order shall be made by a simple majority of the veterans' affairs  
16 commission not more than fifteen (15) days following receipt of the  
17 written appeal.

18 (g) A person who knowingly or intentionally submits a false or  
19 misleading application or other document under this section commits  
20 a Class A misdemeanor.

21 SECTION 2. IC 20-12-19-3 IS ADDED TO THE INDIANA CODE  
22 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
23 1, 2005 (RETROACTIVE)]: **Sec. 3. Notwithstanding P.L.246-2005,**  
24 **SECTION 9, in determining an applicant's eligibility for a higher**  
25 **education benefit under this chapter, the Indiana department of**  
26 **veterans' affairs may not make a determination that is adverse to**  
27 **an applicant based solely on the fact that the applicant is a**  
28 **dependent of a veteran who received a disability rating of zero**  
29 **percent (0%) from the United States Department of Veterans**  
30 **Affairs.**

31 SECTION 3. **An emergency is declared for this act.**

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